

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LAURA L. MEDLEY, ) NO. CV 08-4218-DOC(E)  
Plaintiff, )  
v. ) ORDER ADOPTING FINDINGS,  
DEPUTY LUTHER, ) CONCLUSIONS AND RECOMMENDATIONS  
Defendant. ) OF UNITED STATES MAGISTRATE JUDGE  
\_\_\_\_\_ )

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all of the records herein and the attached Report and Recommendation of United States Magistrate Judge. The Court approves and adopts the Magistrate Judge's Report and Recommendation.

IT IS ORDERED that: (1) the Complaint and action are dismissed without prejudice for failure to exhaust available administrative remedies; (2) Defendant's Motion to Dismiss is otherwise denied without prejudice as moot; and (3) Defendant's Vexatious Litigant Motion is denied without prejudice as moot.

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1 IT IS FURTHER ORDERED that the Clerk serve copies of this Order,  
2 the Magistrate Judge's Report and Recommendation and the Judgment  
3 herein by United States mail on Plaintiff and counsel for Defendant.

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5 LET JUDGMENT BE ENTERED ACCORDINGLY.

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7 DATED: December 2, 2008.

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11 DAVID O. CARTER  
12 UNITED STATES DISTRICT JUDGE

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